

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

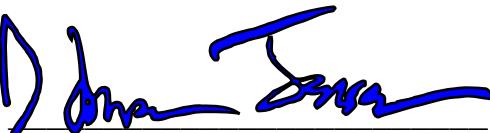
MONDOR KHOURY, ) No. 03-cv-01225-DLJ  
 ) No. 99-cr-00093-DLJ  
Petitioner, )  
 )  
v. )  
 )  
UNITED STATES OF AMERICA, )  
 )  
Defendant. )  
 )

On March 11, 2008, the Court entered a final order denying petitioner Mondor Khoury's (Khoury) motion pursuant to 28 U.S.C. § 2255. On April 11, 2008, Khoury filed a notice of appeal and simultaneously requested from the Court a Certificate of Appealability. Under 28 U.S.C. 2253(c)(1), no appeal may be taken from an order denying a § 2255 motion unless either the district or appeals court certifies the appealability of the order. A certificate will not be issued unless the petitioner has made out a constitutional claim, and the certificate will state what issues are to be considered on appeal. 28 U.S.C. § 2253(c)(1) and (2). Khoury has adequately made out a claim for the ineffectiveness of his trial counsel. Reasonable jurists may disagree on the findings of the Court on that issue. See Slack v. McDaniel, 529 U.S. 473, 478 (2000). A certificate of appealability is therefore GRANTED. The issue on Appeal is

1 whether Khoury's trial counsel effectively assisted him by  
2 sufficiently and punctually communicating all plea offers to him.  
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4 IT IS SO ORDERED

5 Dated: June 5, 2008

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7 D. Lowell Jensen  
United States District Judge

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